

Appl. No. 10/003,649
Amtd. dated April 11, 2005
Reply to Office action of January 26, 2005

REMARKS/ARGUMENTS

Applicants have received the Office action dated January 26, 2005, in which the Examiner: 1) rejected claim 7 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite; 2) rejected claims 1-8, 10 and 12-18 under 35 U.S.C. § 102(e) as being anticipated by Bassman et al. (U.S. Pat. No. 6,408,334); 3) rejected claims 9, 11 and 19-21 under 35 U.S.C. § 103(a) as being unpatentable over Bassman in view of Lahr (U.S. Pub. No. 2002/0046405); 4) rejected claims 22-28 under 35 U.S.C. § 103(a) as being unpatentable over Bassman in view of Day et al. (U.S. Pat. No. 5,941,951); 5) rejected claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Bassman in view of Day and further in view of LaBerge (U.S. Pat. No. 5,815,674); and 6) rejected claims 29-33 under 35 U.S.C. § 103(a) as being unpatentable over Bassman in view of Bakke et al. (U.S. Pat. No. 6,704,812).

With this Response, Applicants have amended claims 2, 4-7, 9, 10, 12, 16, 22, 23, and 29 and canceled claims 1 and 15. Reconsideration of claims 2-14 and 16-33 as amended is requested.

I. CLAIM REJECTIONS – 35 U.S.C. § 112

Claim 7 was rejected under 35 U.S.C. § 112, 2nd paragraph, as being indefinite. In particular, the Examiner noted that there was insufficient antecedent basis for "said daisy chained bus" in line 2. By the present amendment, the words "daisy chained" have been deleted from claim 7. The Applicants submit that claim 7 now meets the requirements of 35 U.S.C. § 112.

II. CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1-8, 10 and 12-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bassman et al. (U.S. Pat. No. 6,408,334). By the present amendment, claim 1 has been cancelled and claim 6 has been rewritten in independent form including all limitations of claim 1. Claim 6 has been further amended to include the limitation that the multiplexor operates in both switch mode and broadcast mode. Supporting disclosure may be found in paragraph 34. Claims 2-5 and 7-11 have been amended to depend from claim 6. The Applicants submit that claim 6 is allowable over the Bassman reference.

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With reference to claim 6, the Examiner has asserted that Bassman teaches a multiplexor for each server, each multiplexor having three ports, two of said ports coupling bus segments in series and the third port coupled to its associated server. The Applicants agree that the device of Bassman shown in Bassman's figure 4 has three ports, two of said ports coupling bus segments in series and the third port coupled to its associated server. However, the Applicant's disagree with calling the device of Bassman a multiplexor. A multiplexor is a device that includes a switching function of some type providing selective coupling of multiple inputs to an output or vice versa. The device of Bassman has no switching function and has no selectivity. Instead the bus ports 317, 319 of Bassman are hard wired together and are therefore permanently connected. The bus ports 317, 319 are also hard wired to the transceiver 315. The arrangement of Bassman cannot be properly considered to be a multiplexor.

The original claim 6 was limited to a multiplexor and therefore to a device with a switching function. In order to make this more clear, claim 6 has been amended to expressly include recitation of switch functions. Supporting disclosure may be found in paragraph 34. As now claimed, the multiplexor has a switch mode in which it either connects two bus segments together or connects the server to one buss segment. The multiplexor also has a broadcast mode in which the two buss segments are connected together and are connected to the server. In broadcast mode, the multiplexor is similar in functionality to the arrangement shown by Bassman in Fig. 4. However, Bassman's arrangement is permanent and does not provide the alternate mode set forth in claim 6. In view of this substantial difference, the Applicants submit that claim 6 is clearly patentable over the Bassman reference.

Since claims 2-5 and 7-11 now depend from claim 6, the applicants submit that these claims are also allowable over the Bassman reference.

Claims 12-18 are method claims that were rejected for essentially the same reasons that were applied to claims 1-11. Claim 12 has been amended to include the limitations of original claim 15 and has been further amended to include the functions of the multiplexor that was added to claim 6. With these

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amendments, the Applicants submit that claim 12 is allowable over the Bassman reference for the reasons set out above with reference to claim 6.

Since claims 13, 14 and 16-18 depend from claim 12, the applicants submit that these claims are also allowable over the Bassman reference.

III. CLAIM REJECTIONS – 35 U.S.C. § 103

Claims 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bassman in view of Lahr (U.S. Pub. No. 2002/0046405). The examiner notes that Bassman fails to disclose exchanging signals in IP protocol. The Examiner further states that use of IP protocol would have been an obvious modification of the Bassman system as evidenced by the Lahr reference.

The Examiner asserts that Lahr is analogous art and discloses a remote management system exchanging signals with a remote management module in IP protocol. The Applicants disagree as to Lahr being analogous art and disagree with the assertion that Lahr has anything to do with remote management systems.

The Lahr reference teaches a system and method for efficiently distributing broadcast content, such as multimedia data, from content providers to end users. It has nothing to do with remotely managing a server or any other hardware at the end user location. Lahr does not use a buss for transferring management data or control signals between various hardware devices. Instead Lahr sends all signals over the internet itself. As a result there is no teaching or suggestion in Bassman and Lahr that would suggest combining their teachings. No combination of these references would result in the invention of claim 19.

The Applicants submit that claim 19 is therefore patentable over the suggested combination of Bassman and Lahr.

Since claims 20 and 21 depend from claim 19, the applicants submit that these claims are also allowable over the suggested combination of Bassman and Lahr.

Claims 22-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bassman in view of Day et al. (U.S. Pat. No. 5,941,951). The Examiner notes that Bassman fails to disclose a second remote management

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module and a second bus coupled to each server in said group of servers. The Examiner asserts that it would have been obvious to modify the Bassman system as taught by Day and that Day is analogous art.

The Applicants submit that Day is not analogous art and that no combination of Day with Bassman would result in the invention of claim 22.

Day, like Lahr, relates to delivery of multimedia data in a network or broadcast environment. Day has nothing to do with management of multiple servers. The suggested automation control console does not perform server management functions. It is not connected to a plurality of servers by a bus. Day provides a redundant or secondary bridge and console 64 for use in case of failure of the primary system, i.e., for back up purposes as stated by the Examiner. Only one would be used at any given time and would be connected through a control network.

Claim 22 has no need for a back up remote management module and does not provide for use of one in case of failure of the other. Claim 22 provides two separate management modules with two busses so that any two servers can be remotely managed at the same time. A whereby clause has been added to claim 22 to clarify the fact that the claim covers a system in which two servers may be managed at essentially the same time. As a result of these substantial differences, the Applicants submit that claim 22 is allowable over the suggested combination of Bassman and Day.

Since claims 23-28 depend from claim 22, the applicants submit that these claims are also allowable over the suggested combination of Bassman and Day.

Claims 29-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bassman in view of Bakke et al. (U.S. Pat. No. 6,704,812). The Examiner notes that Bassman fails to disclose a second data port for exchanging data signals with a server, and a second data bus coupled to the second data port and to each of the servers.

The Applicants submit that Bakke is not analogous art and that the suggested combination of Bassman and Bakke would not make the present invention obvious.

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The Bakke reference teaches the use of a redundant physical path. As stated in the abstract of Bakke, the redundancy manager determines which pathways are properly functioning and selects the best one. If one fails, it reroutes the command to an alternate path. Thus like the Day reference, Bakke teaches the use of backup systems in case of failure of a primary system. Bakke does not provide any teachings relating to remote management of servers. There is no teaching in Bassman and/or Bakke that suggests a combination of the two references.

Claim 29 does not relate to backup systems. Instead it provides multiple paths from the management module to the servers, for simultaneous use. This system may be used to effectively manage two servers in the group at essentially the same time. A whereby clause has been added to claim 29 to clarify the fact that the claim covers a system in which two servers may be managed at essentially the same time. This concept is not taught or suggested by either Bassman or Bakke. As a result, the Applicants submit that claim 29 is allowable of the suggested combination of Bassman and Bakke.

Since claims 30-33 depend from claim 29, the applicants submit that these claims are also allowable over the suggested combination of Bassman and Bakke.

IV. SUMMARY

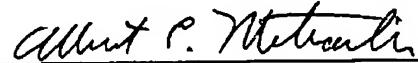
In view of the present amendments and the above remarks, the Applicants request allowance of claims 2-14 and 16-33, as amended.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

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Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Albert C. Metrailler
Albert C. Metrailler
PTO Reg. No. 27,145
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400